

PART I



الْبَابُ الْأَوَّلُ

قَتْلُ نَفْسِ الْإِنْسَانِ مِنْ أَعْظَمِ الْكَبَائِرِ

CHAPTER ONE

TO MURDER A HUMAN BEING IS TO
COMMIT ONE OF THE WORST OF THE
MAJOR SINS

QUR'ĀN

﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا﴾

«Whoever killed a person (unjustly), except as a punishment for murder or for (spreading) disorder in the land, it would be as if he killed all the people (of society); and whoever (saved him from unjust murder and) made him survive, it would be as if he saved the lives of all the people (of society, i.e., he rescued the collective system of human life).»¹

HADITH

١/١. عَنْ أَبِي بَكْرَةَ رضي الله عنه قَالَ: خَطَبَنَا النَّبِيُّ ﷺ يَوْمَ النَّحْرِ. قَالَ: إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، إِلَى يَوْمٍ تَلْقَوْنَ رَبَّكُمْ. مُتَّفَقٌ عَلَيْهِ.

1/1. Abū Bakra رضي الله عنه related that the Prophet ﷺ addressed them on the Day of Sacrifice and said:

“Indeed, your blood, your property and your honour are inviolable, like the inviolability of this day of yours and this month of yours, (as fixed) in this land of yours, until the day you meet your Lord.”²

¹ Qur’ān 5:32.

² Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-Ḥajj* [The Book of Pilgrimage], chapter: “The sermon during the days of Mina,” 2:620 §1654. •Muslim in *al-*

Agreed upon by al-Bukhārī and Muslim.

٢/٢. عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رضي الله عنه: إِنَّ مِنْ وَرَطَاتِ الْأُمُورِ الَّتِي لَا تَخْرُجُ لِمَنْ أَوْقَعَ نَفْسَهُ فِيهَا، سَفَكَ الدَّمَ الْحَرَامَ بِغَيْرِ حِلٍّ.
رَوَاهُ الْبُخَارِيُّ وَالْبَيْهَقِيُّ.

2/2. ‘Abd Allāh b. ‘Umar رضي الله عنه said:

“Of the fatal matters—those in which one’s (lower) self is entangled and finds no slit from which to escape—is the act of shedding inviolable blood.”¹

Reported by al-Bukhārī and al-Bayhaqī.

٣/٣. عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: أَوَّلُ مَا يُقْضَى بَيْنَ النَّاسِ يَوْمَ الْقِيَامَةِ فِي الدِّمَاءِ.
مُتَّفَقٌ عَلَيْهِ.

3/3. ‘Abd Allāh b. Mas‘ūd رضي الله عنه related that Allah’s Messenger ﷺ said:

“The first issue that will be judged between people on the Day of Resurrection is that of blood [i.e., murder].”²

Ṣaḥīḥ: Kitāb al-qasāma wa al-muḥāribīn wa al-qīṣāṣ wa al-diyāt [The Book of Apportioning Wealth, Warmongers, Legal Retribution and Bloodwit], chapter: “The inviolability of a believer’s blood, honour and property,” 3:1305–1306 §1679.

¹ Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-diyāt* [The Book of Blood Money], chapter: “Whoever Kills a Believer Intentionally, His Recompense is Hell,” 6:2517 §6470. •al-Bayhaqī in *al-Sunan al-kubrā*, 8:21 §15637.

² Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-diyāt* [The Book of Blood Money], chapter: “Whoever Kills a Believer intentionally,” 6:2517 §6471. •Muslim in *al-Ṣaḥīḥ: Kitāb al-qasāma wa al-muḥāribīn wa al-qīṣāṣ wa al-diyāt* [The Book of Taking an Oath, Warmongers, Legal Retribution and Bloodwit], chapter: “The (cases of) Bloodshed would be Decided first of all on the Day of Resurrection,” 3:1304 §1678. •Aḥmad b. Ḥanbal in *al-Musnad*, 1:442 §4213. •al-Tirmidhī in *al-Sunan: Kitāb al-diyāt* [The Book of Blood Money], chapter: “The Legal Ruling Concerning Blood,” 4:17 §1397. •al-

Agreed upon by al-Bukhārī and Muslim.

٤/٤. عَنْ الْبَرَاءِ بْنِ عَازِبٍ رضي الله عنه قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَزَوَالِ الدُّنْيَا جَمِيعًا أَهْوَنُ عِنْدَ اللَّهِ مِنْ سَفْكِ دَمٍ بِغَيْرِ حَقٍّ.

رَوَاهُ ابْنُ أَبِي الدُّنْيَا وَابْنُ أَبِي عَاصِمٍ وَابْنُ أَبِي حَتْمٍ.

4/4. Al-Barā' b. 'Āzib رضي الله عنه reported that Allah's Messenger ﷺ said:
"Certainly, in the estimation of Allah, the obliteration of the whole world is lesser than unjustly shedding the blood of a human being."¹

Reported by Ibn Abī Dunya, Ibn Abī 'Āṣim and al-Bayhaqī.

SAYING OF IMAM ABŪ MANṢŪR AL-MĀTURĪDĪ

قَالَ الْإِمَامُ أَبُو مَنْصُورٍ الْمَاطُرِيدِيُّ فِي تَفْسِيرِ هَذِهِ الْآيَةِ ﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا﴾.

مَنْ اسْتَحَلَّ قَتَلَ نَفْسٍ حَرَّمَ اللَّهُ قَتْلَهَا بِغَيْرِ حَقٍّ، فَكَأَنَّمَا اسْتَحَلَّ قَتَلَ النَّاسَ جَمِيعًا، لِأَنَّهُ يَكْفُرُ بِاسْتِحْلَالِهِ قَتَلَ نَفْسٍ مُحَرَّمٍ قَتْلَهَا، فَكَانَ كَاسْتِحْلَالِ قَتْلِ النَّاسِ جَمِيعًا، لِأَنَّ مَنْ كَفَرَ بِآيَةٍ مِّنْ كِتَابِ اللَّهِ يَصِيرُ كَافِرًا بِالْكَلِّ . . .

وَيَحْتَمِلُ الْآيَةُ وَجْهًا آخَرَ، وَهُوَ مَا قِيلَ: إِنَّهُ يَجِبُ عَلَيْهِ مِنَ الْقَتْلِ مِثْلُ

Nasā'ī in *al-Sunan: Kitāb taḥrīm al-dam* [The Book on the Prohibition of Bloodshed], chapter: "The Sanctity of Blood," 7:83 §3994. • Ibn Mājah in *al-Sunan: Kitāb al-Diyāt* [The Book of Blood Money], chapter: "The Gravity of unjustly Killing a Muslim," 2:873 §2615. • Ibn Ḥibbān in *al-Sahīḥ*, 16:339 §7344. • Abū Ya'lā in *al-Musnad*, 9:35 §5099. • Ibn al-Mubārak in *al-Musnad*, 1:59 §97.

¹ Set forth by • Ibn Abī al-Dunyā in *al-Ahwāl*, p. 190 §183. • Ibn Abī 'Āṣim in *al-Diyāt*, p. 2 §2. • al-Bayhaqī in *Shu'ab al-īmān*, 4:345 §5344.

مَا أَنَّهُ لَوْ قَتَلَ النَّاسَ جَمِيعًا.

وَوَجْهٌ آخَرُ: أَنَّهُ يَلْزَمُ النَّاسَ جَمِيعًا دَفْعُ ذَلِكَ عَنِ نَفْسِهِ وَمَعُونَتُهُ لَهُ، فَإِذَا قَتَلَهَا أَوْ سَعَى عَلَيْهَا بِالْفَسَادِ، فَكَأَنَّمَا سَعَى بِذَلِكَ عَلَى النَّاسِ كَافَّةً. ... وَهَذَا يَدُلُّ أَنَّ الْآيَةَ تَزَكَّتْ بِالْحُكْمِ فِي أَهْلِ الْكُفْرِ وَأَهْلِ الْإِسْلَامِ جَمِيعًا، إِذَا سَعَوْا فِي الْأَرْضِ بِالْفَسَادِ.

Imam Abū Maṣṣūr al-Māturīdī (one of the Imams of *Ahl al-Sunna* in theology) has interpreted the verse: *Whoever killed a person (unjustly), except as a punishment for murder or for (spreading) disorder in the land, it would be as if he killed all the people (of society).*¹

Declaring that murder can be an act of disbelief, he wrote:

Whoever declares lawful the killing of a person whose killing has been forbidden by Allah (except when there is a valid reason), it is as if he considers it lawful to kill all of humanity. This is because he disbelieves by his declaring lawful the killing of one whose killing is unlawful, which is akin to declaring lawful the killing of entire humanity because the one who disbelieves in one verse from God's Book disbelieves in the whole of it.

This verse contains another possible angle of interpretation, and it is as has been said: His murder of one person entails the same burden [in the Hereafter] as if he killed the entire humanity. Another possible angle of interpretation is that it is necessary for everyone to make a collective effort to help and save the peaceful person from murder. Therefore, when the murderer kills that harmless soul or attempts to harm it, it is as if he is attempting to do that to everyone... This indicates that the verse has been revealed as a ruling both for the people of disbelief and the people of Islam together, if they sow corruption in the earth.²

¹ Qur'ān 5:32.

² •Abū Maṣṣūr al-Māturīdī, *Ta'wilāt Ahl al-Sunna*, 3:501.

THE EXEGETES' VIEWS ON THE GRAVITY OF KILLING A HUMAN BEING

قَالَ الْعَلَامَةُ أَبُو حَفْصٍ الْحَنْبَلِيُّ فِي تَفْسِيرِهِ «اللُّبَابِ فِي عُلُومِ
الْكِتَابِ» فِي تَفْسِيرِ الْآيَةِ «فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا» بِأَن قَتَلَ إِنْسَانًا
وَاحِدًا قَتَلَ جَمِيعَ النَّاسِ:

١. قَالَ مُجَاهِدٌ: مَنْ قَتَلَ نَفْسًا مُحَرَّمَةً يَصِلُ النَّارَ بِقَتْلِهَا، كَمَا يَصِلَاهَا لَوْ
قَتَلَ النَّاسَ جَمِيعًا.

٢. وَقَالَ قَتَادَةُ: أَعْظَمَ اللَّهُ أَجْرَهَا وَعَظَمَ وَزْرَهَا، مَعْنَاهُ: مَنْ اسْتَحَلَّ قَتَلَ
مُسْلِمٍ بِغَيْرِ حَقِّهِ، فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا.

٣. وَقَالَ الْحَسَنُ: «فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا»، يَعْنِي: أَنَّهُ يَجِبُ عَلَيْهِ
مِنَ الْقِصَاصِ بِقَتْلِهَا، مِثْلَ الَّذِي يَجِبُ عَلَيْهِ لَوْ قَتَلَ النَّاسَ جَمِيعًا.

In his exegesis *al-Lubāb fī 'ulūm al-Kitāb*, Abū Ḥaṣṣ al-Hanbalī interpreted the Qur'ānic verse «as if he killed all the people (of society)»¹ and declared that the murder of one individual is comparable to the killing of all of humanity. He quoted the sayings of different Imams in support of this position.

1. Mujāhid said: "If someone kills a soul unjustly, he will go to Hell due to that murder, just as he would have gone to Hell if he had killed the whole of humanity."
2. Qatāda said: "Allah has made the reward for saving it [a life] tremendous and made the chastisement of sin [for taking a life unjustly] tremendous, too. This means that whoever declares it lawful for himself to kill a Muslim, it is as if he killed all humanity."
3. Interpreting the same verse, al-Ḥasan al-Baṣrī said: "This

¹ Qur'ān 5:32.

means that he is liable to legal retribution [*qiṣās*] for killing it [the harmless soul] as would be the person who killed all of humanity.”¹

قَالَ ابْنُ كَثِيرٍ فِي تَفْسِيرِ هَذِهِ الْآيَةِ: ﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا﴾: هَذَا تَهْدِيدٌ شَدِيدٌ وَوَعِيدٌ أَكِيدٌ لِمَنْ تَعَاطَى هَذَا الذَّنْبَ الْعَظِيمَ، الَّذِي هُوَ مَقْرُونٌ بِالشِّرْكِ بِاللَّهِ فِي غَيْرِ مَا آيَةٌ فِي كِتَابِ اللَّهِ، حَيْثُ يَقُولُ سُبْحَانَهُ فِي سُورَةِ الْفُرْقَانِ: ﴿وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ﴾. وَقَالَ تَعَالَى: ﴿قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّي عَلَيْكُمْ أَلَّا تُشْرِكُوا بِهِ شَيْئًا﴾ إِلَى أَنْ قَالَ: ﴿وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكُمْ وَصَلَّيْتُ بِهِ لَعَلَّكُمْ تَعْقِلُونَ﴾.

Ibn Kathīr wrote in the details of this verse: *But he who kills a Muslim deliberately, his sentence will be Hell wherein will he abide for ages. Allah will afflict him with His wrath and will cast His curse on him. And He has prepared for him a dreadful torment.*²

This is a stern warning and emphatic Divine threat to those who perpetrate this grievous sin that is connected—in more than one verse in Allah’s Book—with the taking of partners in worship along with Allah. Allah has revealed in *sūra al-Furqān*: *And these are the people who do not worship any other god apart from Allah, nor do they kill the soul whose killing without any lawful cause Allah has forbidden, nor do they commit adultery*.³ And Allah has also revealed:

¹ •Abū afṣ al- anbalī, *al-Lubāb fī ‘ulūm al-Kitāb*, 7:301.

² Qur’ān 4:93.

³ Ibid., 25:68.

«Say: 'Come, I will recite to you those things which your Lord has forbidden to you: Do not set up anything as a partner with Him; be morally excellent with parents; and do not kill your children owing to poverty. We alone give you sustenance and (will provide for) them as well. And do not draw near to shameful deeds (whether) open or hidden. And do not kill the soul whose (killing) Allah has forbidden, except when it is rightfully due (according to law in self-defence against disruption and whilst combating terrorism). It is these (injunctions) He has enjoined upon you so that you may apply reason.'¹ ﴿٢﴾²

¹ Ibid., 6:151.

² •Ibn Kathīr, *Tafsīr al-Qur'ān al-ʿAzīm*, 1:535.